

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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LOCAL 210 HEALTH AND INSURANCE FUND, :
LOCAL 210 DENTAL FUND & LOCAL 210 :
PENSION FUND, :

08 Civ. 3253 (BSJ) (AJP)

Plaintiffs, :

ORDER

-against- :

PERFECTO DISTRIBUTORS, LLC d/b/a :
Perfecto Distributors, Inc., :

Defendant. :

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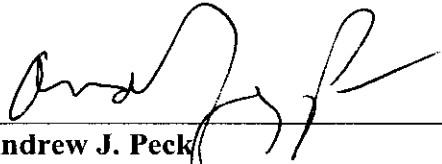
ANDREW J. PECK, United States Magistrate Judge:

Upon a quick review of plaintiffs' inquest papers, it appears that plaintiffs now seek unpaid amounts due to the Funds of \$64,320, while the complaint sought delinquency damages of only \$20,832. The case law is clear that on a default, plaintiffs cannot obtain more than the amount in the complaint.

Plaintiffs are to either file an amended complaint by June 26, 2008 and promptly (within 10 days) serve it on defendant, or be limited to recovery of \$20,832 on its first cause of action (plus injunctive relief, and statutory damages and interest pursuant to the second cause of action).

SO ORDERED.

Dated: New York, New York
June 19, 2008



Andrew J. Peck
United States Magistrate Judge

Copies **by fax & ECF** to: Ira A. Sturm, Esq.
Judge Barbara S. Jones